

Application No.: 10/067,334Docket No.: 2038-285REMARKS

The Examiner held in the Office Action mailed June 7, 2005 that the reply filed March 8, 2005 is not fully responsive to the prior Office Action mailed February 8, 2005, for failing to comply with 37 CFR 1.121. Applicants respectfully traverse the Examiner's holding for the following reasons.

First, the prior Office Action mailed February 8, 2005, which is a Restriction Requirement, only required Applicants to elect a single disclosed species for examination and a listing of claims readable on the elected species. See the Restriction Requirement, at page 2, the second paragraph from bottom. Applicants did comply with this requirement, electing Species 2 and specifying the elected claims in the Response to Restriction Requirement filed March 8, 2005. Thus, Applicants' Response is fully responsive to the Examiner's Restriction Requirement.

Second, Applicants' Response to Restriction Requirement is not governed by 37 CFR 1.121, as the Response did not include any amendment. The relevant part of 37 CFR 1.121 is reproduced below for the Examiner's convenience of review.

§ 1.121 Manner of making amendments in applications.

...
(c) Claims. Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered). (emphasis added).

Thus, the Examiner's holding that Applicants' Response to Restriction Requirement is not compliant with 37 CFR 1.121 is erroneous. Applicants appreciate the Examiner's reminder of the Rule and will comply with 37 CFR 1.121 upon making further amendments, if any, to the instant

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application.

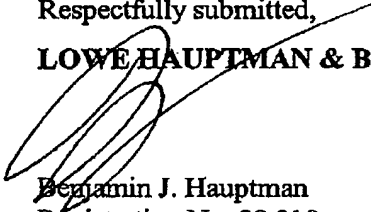
Continued examination on the merits is respectfully requested.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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